

108TH CONGRESS
1ST SESSION

S. 876

To require public disclosure of noncompetitive contracting for the reconstruction of the infrastructure of Iraq, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 10, 2003

Mr. WYDEN (for himself, Ms. COLLINS, Mrs. CLINTON, Mr. BYRD, and Mr. LIEBERMAN) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To require public disclosure of noncompetitive contracting for the reconstruction of the infrastructure of Iraq, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sunshine in Iraq Re-
5 construction Contracting Act of 2003”.

6 **SEC. 2. PUBLIC DISCLOSURE OF NONCOMPETITIVE CON-**
7 **TRACTING FOR THE RECONSTRUCTION OF**
8 **INFRASTRUCTURE IN IRAQ.**

9 (a) DISCLOSURE REQUIRED.—

1 (1) PUBLICATION AND PUBLIC AVAILABILITY.—

2 The head of an executive agency of the United
3 States that enters into a contract for the repair,
4 maintenance, or construction of infrastructure in
5 Iraq without full and open competition shall publish
6 in the Federal Register or Commerce Business Daily
7 and otherwise make available to the public, not later
8 than 30 days after the date on which the contract
9 is entered into, the following information:

10 (A) The amount of the contract.

11 (B) A brief description of the scope of the
12 contract.

13 (C) A discussion of how the executive
14 agency identified, and solicited offers from, po-
15 tential contractors to perform the contract, to-
16 gether with a list of the potential contractors
17 that were issued solicitations for the offers.

18 (D) The justification and approval docu-
19 ments on which was based the determination to
20 use procedures other than procedures that pro-
21 vide for full and open competition.

22 (2) INAPPLICABILITY TO CONTRACTS AFTER
23 FISCAL YEAR 2013.—Paragraph (1) does not apply to
24 a contract entered into after September 30, 2013.

25 (b) CLASSIFIED INFORMATION.—

1 (1) AUTHORITY TO WITHHOLD.—The head of
2 an executive agency may—

3 (A) withhold from publication and disclo-
4 sure under subsection (a) any document that is
5 classified for restricted access in accordance
6 with an Executive order in the interest of na-
7 tional defense or foreign policy; and

8 (B) redact any part so classified that is in
9 a document not so classified before publication
10 and disclosure of the document under sub-
11 section (a).

12 (2) AVAILABILITY TO CONGRESS.—In any case
13 in which the head of an executive agency withholds
14 information under paragraph (1), the head of such
15 executive agency shall make available an unredacted
16 version of the document containing that information
17 to the chairman and ranking member of each of the
18 following committees of Congress:

19 (A) The Committee on Governmental Af-
20 fairs of the Senate and the Committee on Gov-
21 ernment Reform of the House of Representa-
22 tives.

23 (B) The Committees on Appropriations of
24 the Senate and House of Representatives.

1 (C) Each committee that the head of the
2 executive agency determines has legislative ju-
3 risdiction for the operations of such department
4 or agency to which the information relates.

5 (c) FISCAL YEAR 2003 CONTRACTS.—This section
6 shall apply to contracts entered into on or after October
7 1, 2002, except that, in the case of a contract entered into
8 before the date of the enactment of this Act, subsection
9 (a) shall be applied as if the contract had been entered
10 into on the date of the enactment of this Act.

11 (d) RELATIONSHIP TO OTHER DISCLOSURE LAWS.—
12 Nothing in this section shall be construed as affecting obli-
13 gations to disclose United States Government information
14 under any other provision of law.

15 (e) DEFINITIONS.—In this section, the terms “execu-
16 tive agency” and “full and open competition” have the
17 meanings given such terms in section 4 of the Office of
18 Federal Procurement Policy Act (41 U.S.C. 403).

○